

---

HOUSE BILL 1387

---

State of Washington

59th Legislature

2005 Regular Session

By Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, McCune, Appleton, B. Sullivan, Murray, Hudgins, Sells, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille

Read first time 01/21/2005. Referred to Committee on Transportation.

1 AN ACT Relating to Washington state patrol vehicle accident  
2 investigations and corrective action procedures; adding a new section  
3 to chapter 43.43 RCW; creating new sections; providing an effective  
4 date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature that  
7 serious vehicle accidents involving state patrol officers are  
8 independently investigated to ensure independence and objectivity,  
9 along with the perception of independence and objectivity during the  
10 investigation. It is the intent of the legislature to have corrective  
11 actions in place to prevent future vehicle accidents. There shall be  
12 a tracking process implemented to identify vehicle accident trends and  
13 provide corrective action to prevent future vehicle accidents. When a  
14 Washington state patrol officer is off duty, the officer will follow  
15 the same traffic laws and enforcement policies as any other person  
16 using the public roadways.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43 RCW  
18 to read as follows:

1 (1) If a Washington state patrol officer, on or off duty, is  
2 involved in a vehicle accident where: (a) The injuries require a  
3 paramedic or intermediate life support person as defined in RCW  
4 18.71.200; (b) there is a fatality; or (c) the damage to the vehicles  
5 is above the amount set by the chief of the Washington state patrol for  
6 the filing of a vehicle accident report as required in RCW 46.52.030,  
7 an independent Washington law enforcement agency shall perform the  
8 investigation. If the vehicle accident occurs in a county outside a  
9 city or town, the county sheriff shall perform the investigation. If  
10 the vehicle accident occurs in a town or city, the local law  
11 enforcement agency shall investigate. If the local law enforcement  
12 agency is not available, then the county sheriff shall perform the  
13 investigation. In these circumstances, a drug and alcohol test will be  
14 given to all vehicle drivers, bicyclists, and pedestrians involved.

15 (2) The Washington state patrol shall track vehicle accidents by  
16 officer in the following categories:

17 (a) At-fault and serious. There is a fatality or injury that  
18 requires a paramedic or intermediate life support person as defined in  
19 RCW 18.71.200. The damage to the vehicles is above the amount set by  
20 the chief of the Washington state patrol for the filing of an accident  
21 report as required in RCW 46.52.030 and it is determined that the  
22 officer is responsible for the vehicle accident.

23 (b) At-fault and not serious. There is no fatality or injury that  
24 requires a paramedic or intermediate life support person. The damage  
25 to the vehicles is under the amount for filing an accident report as  
26 required in RCW 46.52.030 and it is determined that the officer is  
27 responsible for the vehicle accident.

28 (c) Not-at-fault and serious. There is a fatality or injury that  
29 requires a paramedic or intermediate life support person as defined in  
30 RCW 18.71.200. The damage to the vehicles is above the amount set by  
31 the chief of the Washington state patrol for the filing of an accident  
32 report as required in RCW 46.52.030 and it is determined that the  
33 officer is not responsible for the vehicle accident.

34 (d) Not-at-fault and not serious. There is no fatality or injury  
35 that requires a paramedic or intermediate life support person. The  
36 damage to the vehicles is under the amount for filing an accident  
37 report as required in RCW 46.52.030 and it is determined that the  
38 officer is not responsible for the vehicle accident.

1 (3) If an officer has any vehicle accident, the officer shall meet  
2 with his or her district commander to review the vehicle accident and  
3 be provided retraining in the area of vehicle handling relevant to the  
4 accident to prevent future accidents from occurring.

5 (4) If an officer has two not-at-fault and not-serious vehicle  
6 accidents within a twelve-month period, the Washington state patrol  
7 shall retrain the officer on vehicle handling at the Washington state  
8 patrol academy.

9 (5) If an officer has three not-at-fault and not-serious vehicle  
10 accidents within an eighteen-month period, the Washington state patrol  
11 shall retrain the officer on vehicle handling at the Washington state  
12 patrol academy and the officer shall be placed on probation for a  
13 twelve-month period. If another not-at-fault or not-serious accident  
14 occurs during the probationary period, the officer shall be discharged.

15 (6) If an officer has two at-fault and serious vehicle accidents  
16 within a twelve-month period, the officer shall be placed on leave for  
17 two weeks with no pay. The Washington state patrol shall retrain the  
18 officer on vehicle handling at the Washington state patrol academy and  
19 the officer shall be placed on probation for a twelve-month period. If  
20 another at-fault and serious or not-at-fault and serious vehicle  
21 accident occurs during the probationary period, the officer shall be  
22 discharged.

23 (7) If an officer has one at-fault and serious vehicle accident and  
24 one not-at-fault and serious vehicle accident within a twelve-month  
25 period, the Washington state patrol shall retrain the officer on  
26 vehicle handling at the Washington state patrol academy and the officer  
27 shall be placed on probation for a nine-month period. If another at-  
28 fault serious or not-at-fault serious accident occurs during the  
29 probationary period, the officer shall be discharged.

30 (8) If an officer has two at-fault and serious vehicle accidents  
31 and one at-fault and not-serious vehicle accident within a twelve-month  
32 period, the officer shall be placed on leave for two weeks with no pay.  
33 The Washington state patrol shall retrain the officer on vehicle  
34 handling at the Washington state patrol academy and the officer shall  
35 be placed on probation for a twelve-month period. If another at-fault  
36 and not-serious or not-at-fault and serious vehicle accident occurs  
37 during the probationary period, the officer shall be discharged.

1 (9) If an officer has three at-fault serious vehicle accidents  
2 within a thirty-six month period, the officer shall be placed on leave  
3 for two weeks with no pay. The Washington state patrol shall retrain  
4 the officer on vehicle handling at the Washington state patrol academy  
5 and the officer shall be placed on probation for a twelve-month period.  
6 If another at-fault and serious or at-fault not-serious vehicle  
7 accident occurs during the probationary period, the officer shall be  
8 discharged.

9 (10) If an officer has a combination of three at-fault vehicle  
10 accidents and three or more not-at-fault vehicle accidents within a  
11 thirty-six month period, the officer shall be placed on leave for two  
12 weeks with no pay. The Washington state patrol shall retrain the  
13 officer on vehicle handling at the Washington state patrol academy and  
14 the officer shall be placed on probation for a twelve-month period. If  
15 another vehicle accident occurs during the probationary period, the  
16 officer shall be discharged.

17 (11) Nothing in this section prevents the chief of the Washington  
18 state patrol from making the decision to send an officer for additional  
19 training in vehicle handling, to proceed with disciplinary action, or  
20 to discharge the officer if trends and circumstances warrant immediate  
21 corrective action.

22 (12) On or before the start of the legislative session, the  
23 Washington state patrol shall submit a report to the transportation  
24 committees of the legislature that tabulates the number of officers  
25 that on December 31st of each calendar year are in each vehicle  
26 accident category in this section.

27 (13) When corrective action has been completed, the chief of the  
28 Washington state patrol shall review the vehicle accident documents and  
29 sign the documents indicating that the action plan has been completed.  
30 The documentation shall then be placed in the officer's personnel file.

31 (14) A Washington state patrol officer is considered on duty when  
32 the officer is using a Washington state patrol owned vehicle.

33 (15) When a Washington state patrol officer is off duty, the  
34 officer is not exempt from traffic citations nor other required law  
35 enforcement actions if the investigating officer has probable cause to  
36 believe that the driver has violated any traffic laws or regulations.  
37 Any traffic citations will be recorded on the officer's driver license

1 record at the department of licensing following the same process and  
2 procedures that have been implemented for all other licensed drivers.

3 NEW SECTION. **Sec. 3.** This act may be known and cited as the  
4 "Brock Loshbaugh Act."

5 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 July 1, 2005.

--- END ---